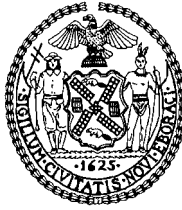
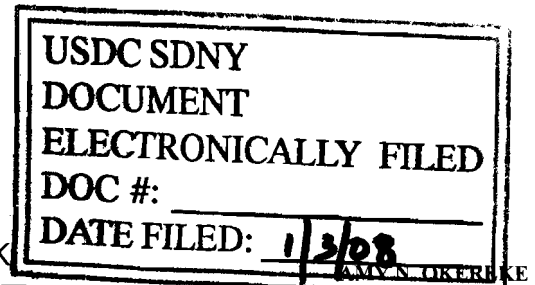


MICHAEL A. CARDOZO
Corporation Counsel



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007



Assistant Corporation Counsel
(212) 788-9790
(212) 788-9776 (fax)
aokereke@law.nyc.gov

January 2, 2008

BY HAND

Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street, Room 650
New York, New York 10007

MEMO ENDORSED
p.2

Re: Lakus Brown v. City of New York, et al.
07 Civ. 11186 (RMB)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York. Defendant respectfully requests that its time to respond to the complaint in this action be extended for sixty days from January 7, 2008 to March 7, 2008.¹ Should the Court grant this request, defendant respectfully requests that the initial conference, scheduled for January 28, 2008 at 9:15 A.M., be adjourned to a date convenient to the Court after issue has been joined. Plaintiff's counsel consents to these requests.

Plaintiff alleges that he was falsely arrested and subjected to excessive force following an incident on April 11, 2007, in which plaintiff claims he was arrested by New York City Police Officers. An enlargement of time will give this office the opportunity to investigate the allegations of the complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. It is necessary for our office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution a consent and

¹ There is no indication whether the individually named defendant Police Officer Timothy Merritt has been served with the summons and complaint. As of this date, no request for representation has been received with respect to this individual nor does the docket sheet indicate service on this defendant. Without appearing on his behalf, it is respectfully requested that, if he has been served, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representation issues are being decided.

authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. This executed release is necessary for our office to obtain the District Attorney, Criminal Court, and police records pertaining to plaintiff's underlying arrest and prosecution. This office is also in the process of forwarding to plaintiff for execution a medical release, which is necessary for our office to obtain the medical records pertaining to plaintiff's alleged injury and treatment.

Furthermore, assuming plaintiff effects timely service on the individual defendant, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent this individual. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Finally, if the Court decides to grant this enlargement, defendant respectfully requests that the initial conference, scheduled for January 28, 2008 at 9:15 A.M., be adjourned until a date after issue has been joined. Defendant seeks this adjournment in order to allow this office to conduct an investigation and respond to the complaint prior to the initial conference.

No previous request for an extension or adjournment has been made in this action. Accordingly, defendant respectfully requests that its time to respond to the complaint be extended to March 7, 2008 and that the Initial Conference be adjourned to a date convenient to the Court after March 7, 2008.

Thank you for your time and consideration of this request.

APPLICATION GRANTED ON	
CONSENT. CONFERENCE IS ADJOURNED	
UNTIL 3/10/08 AT 9:15 A.M.	
SO ORDERED:	
Date: 1/5/08	Richard M. Berman, U.S.D.J.

Respectfully submitted,



Amy N. Okereke
Assistant Corporation Counsel
Special Federal Litigation Division

SO ORDERED:

Date: 1/5/08

Richard M. Berman, U.S.D.J.

W. Ober, Esq., attorney for plaintiff (by fax)